

ROBBINS GELLER RUDMAN  
& DOWD LLP  
RACHEL L. JENSEN (211456)  
RANDI D. BANDMAN (145212)  
TRICIA L. McCORMICK (199239)  
655 West Broadway, Suite 1900  
San Diego, CA 92101-8498  
Telephone: 619/231-1058  
619/231-7423 (fax)  
rachelj@rgrdlaw.com  
randib@rgrdlaw.com  
triciam@rgrdlaw.com

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP  
ELIZABETH J. CABRASER (83151)  
RICHARD M. HEIMANN (63607)  
KATHERINE LUBIN (259826)  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: 415/956-1000  
415/956-1008 (fax)  
ecabraser@lchb.com  
rheimann@lchb.com  
kbenson@lchb.com

[Proposed] Lead Counsel for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KALMAN ISAACS, Individually and on Behalf of All Others Similarly Situated,	)	Case No. 3:18-cv-04865-EMC
	)	
Plaintiff,	)	<u>CLASS ACTION</u>
	)	
vs.	)	DECLARATION OF TRICIA L.
	)	McCORMICK IN SUPPORT OF DANY
ELON MUSK, et al.,	)	DAVID'S OPPOSITION TO COMPETING
	)	MOTIONS FOR APPOINTMENT AS LEAD
Defendants.	)	PLAINTIFF
	)	
	)	DATE: November 15, 2018
	)	TIME: 1:30 p.m.
	)	CTRM: 5, 17th Floor
	)	JUDGE: Hon. Edward M. Chen

1 I, TRICIA L. McCORMICK, declare as follows:

2 1. I am an attorney licensed to practice before all of the courts of the State of California  
3 and this Court. I am Special Counsel with Robbins Geller Rudman & Dowd LLP, proposed lead  
4 counsel for Dany David (“Mr. David”) in the above-captioned action. I make this declaration in  
5 support of Mr. David’s Opposition to Competing Motions for Appointment as Lead Plaintiff. I have  
6 personal knowledge of the matters stated herein and, if called upon, I could and would competently  
7 testify thereto.

8 2. Attached are true and correct copies of the following exhibits:

9 Exhibit 1: Bloomberg Trade/Quote Recap for August 7, 2018 for shares traded at  
10 \$375.950;

11 Exhibit 2: Jamal Carnette, *The Thing You Need to Know About Free Short-Seller*  
12 *Research Reports*, The Motley Fool, Apr. 4, 2018, <https://www.fool.com/investing/2018/04/04/the-thing-you-need-to-know-about-free-short-seller.aspx>;

13 Exhibit 3: *Tesla’s stock soars after notorious short seller changes his tune*, CNN, Oct.  
14 23, 2018, <https://www.cnn.com/2018/10/23/tech/tesla-stock/index.html>;

15 Exhibit 4: *Market Misconduct Tribunal bans Andrew Left of Citron Research from*  
16 *Trading Securities in Hong Kong*, Hong Kong Securities and Futures  
17 Commission, Oct. 20, 2016, <https://www.sfc.hk/edistributionWeb/gateway/EN/news-and-announcements/news/doc?refNo=16PR107>; Enoch  
18 Yiu, *Hong Kong finds Citron Research’s Andrew Left guilty of issuing false report in 2012 on Evergrande*, South China Morning Post, Aug. 26, 2016, <https://www.scmp.com/business/money/investment-products/article/2009448/hong-kong-finds-citron-researchs-andrew-left>;

19 Exhibit 5: Relevant NFA Case Summary Excerpts Regarding Andrew Left;

20 Exhibit 6: Ex-Parte Application of the United States for a Restraining Order Pursuant to  
21 28 U.S.C. §2467(d)(3)(B)(i) and Statement of Points and Authorities in  
22 Support Thereof, *In re Any and all funds and assets in Brown Brothers Harriman & Co. Account #8870792 in Name of Tiger Eye Investments Ltd.*, No. 1:08-mc-00807-JBD (D.D.C. Dec. 23, 2008), ECF No. 1;

23 Exhibit 7: Blake Schmidt, *Bad Boy of Brazil Finance Is Now a Cattle-Ranching*  
24 *Billionaire*, Bloomberg, June 13, 2017;

25 Exhibit 8: Enoch Yiu, *Hong Kong court rejects US short-seller Andrew Left’s*  
26 *application against tribunal ruling*, South China Morning Post, Jan. 13,  
27 2017;

28 Exhibit 9: Investment Adviser Firm Summary of FNY Investment Advisers, LLC, dated  
October 23, 2018; and

1 Exhibit 10: Bloomberg profile of Vilas Capital Management LLC, dated October 23,  
2 2018.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd  
4 day of October, 2018.

5  
6 s/ Tricia L. McCormick  
TRICIA L. McCORMICK

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 23, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Tricia L. McCormick  
TRICIA L. McCORMICK

ROBBINS GELLER RUDMAN  
& DOWD LLP

655 West Broadway, Suite 1900  
San Diego, CA 92101-8498  
Telephone: 619/231-1058  
619/231-7423 (fax)

E-mail: [tmccormick@rgrdlaw.com](mailto:tmccormick@rgrdlaw.com)

# Mailing Information for a Case 3:18-cv-04865-EMC Isaacs v. Musk et al

## Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Ramzi Abadou**  
ramzi.abadou@ksfcounsel.com,dawn.hartman@ksfcounsel.com
- **Randi D. Bandman**  
randib@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,e\_file\_sf@rgrdlaw.com
- **Jennifer Corinne Bretan**  
jbretan@fenwick.com,kayoung@fenwick.com,pnichols@fenwick.com,aepstein@fenwick.com
- **Robert Nicholas Cappucci**  
rcappucci@entwistle-law.com,ncasey@entwistle-law.com,ffleming@entwistle-law.com
- **Mario Man-Lung Choi**  
mchoi@kaplanfox.com
- **Andrew John Entwistle**  
aentwistle@entwistle-law.com,jbeemer@entwistle-law.com,bbrodeur@entwistle-law.com,sriegert@entwistle-law.com,RArnall@Entwistle-Law.com,ffleming@entwistle-law.com,ncasey@entwistle-law.com,mgayle@entwistle-law.com,rcappucci@entwistle-law.com
- **Frederic S. Fox**  
FFox@kaplanfox.com
- **Eric Marc George**  
egeorge@bgrfirm.com,khall@bgrfirm.com,cbonilla@bgrfirm.com
- **David William Hall**  
dhall@hedinhall.com
- **Rachel Lynn Jensen**  
rachelj@rgrdlaw.com,e\_file\_sd@rgrdlaw.com,6139295420@filings.docketbird.com
- **Reed R. Kathrein**  
reed@hbsslaw.com,peterb@hbsslaw.com,brianm@hbsslaw.com,sf\_filings@hbsslaw.com
- **Ashley Conrad Keller**  
ack@kellerlenkner.com
- **Laurence D. King**  
lking@kaplanfox.com,spowley@kaplanfox.com,nlee@kaplanfox.com
- **Dean S. Kristy**  
dkristy@fenwick.com,kayoung@fenwick.com,lkelleybourne@fenwick.com
- **Mara Rachelle Ludmer**  
mludmer@fenwick.com
- **Adam Christopher McCall**  
amccall@zlk.com
- **Francis P McConville**  
fmcconville@labaton.com,kgutierrez@labaton.com,9849246420@filings.docketbird.com,electroniccasefiling@labaton.com
- **Tricia Lynn McCormick**  
triciam@rgrdlaw.com,e\_file\_sd@rgrdlaw.com

- **Arthur Vincent Nealon**  
anealon@entwistle-law.com
- **Uri Seth Ottensoser**  
so@kellerlenkner.com
- **Jennifer Pafiti**  
jpafiti@pomlaw.com,kmsaletto@pomlaw.com,disaacson@pomlaw.com,abarbosa@pomlaw.com
- **Carl Alan Roth**  
croth@bgrfirm.com,khall@bgrfirm.com,mbetti@bgrfirm.com
- **Marc M. Seltzer**  
mseltzer@susmangodfrey.com,ecf-4d2b1f772250@ecf.pacerpro.com,hdanielson@susmangodfrey.com,ecf-67366a65900c@ecf.pacerpro.com
- **Michael Walter Stocker**  
mikes@hbsslaw.com,sf\_filings@hbsslaw.com
- **James Matthew Wagstaffe**  
wagstaffe@kerrwagstaffe.com,reboredo@kerrwagstaffe.com,bechtol@kerrwagstaffe.com

## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)